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Chairman: Mr. YAMADA (Japan)
(Chairman of the Working Group of the Whole on the Elaboration of a Framework Convention on the Non-Navigational Uses of International Watercourses)

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Mr. Yamada (Chairman of the Working Group of the Whole on the Elaboration of a Framework Convention on the Non-Navigational Uses of International Watercourses) took the Chair.

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 144: CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES (continued) (A/49/10; A/51/275 and Corr.1 and Add.1)

1. The CHAIRMAN invited the Working Group to resume its consideration of articles 7 to 10.

Article 7

2. Mr. NUSSBAUM (Canada) said that Canada, which was both an upstream and a downstream State, had a clear interest in ensuring a balance between articles 5 and 7 which would prevent any significant harm while authorizing the equitable and reasonable utilization of international watercourses. He had two comments to make on article 7.

3. Firstly, the term "due diligence" was inappropriate because it assumed a degree of responsibility which was not consistent with the rules of international law concerning activities on an international watercourse. It was true that, in practice, due diligence was the rule for the majority of uses, but the reference in article 7 would prevent that notion from undergoing further codification and might impair the work of the International Law Commission. The reference was pointless and its elimination would not give rise to any ambiguity, for the ordinary principles of international law would then become applicable, as was often the case in environmental law.

4. Secondly, the assumption that a harmful transboundary activity could be equitable and reasonable ran counter to the principles of international law. The international community had repeatedly affirmed that States must ensure that their activities did not cause harm to other States, a principle embodied in several environmental law instruments. However, his delegation agreed with those other delegations which thought that, in matters of the distribution of water resources between States, a certain level of harm should be tolerated.

5. Accordingly, the Canadian delegation proposed that article 7 should be amended as follows: first, "due diligence" should be deleted from paragraphs 1 and 2. And then paragraph 2 should be reworded to read: "When a watercourse State believes that an activity under its jurisdiction or control may cause harm to another watercourse State, it shall, in the absence of agreement to such activity, consult with the potentially affected State". That wording encouraged consultation and emphasized the fact that the watercourse States must cooperate as far as possible to prevent harm rather than to remedy it.

6. Mr. PULVENIS (Venezuela) said that the majority of delegations seem to wish to amend paragraph 1 radically. But the obligation not to cause significant harm was fundamental and the provision must be retained. As to the form, his delegation associated itself with the supporters of the Finnish proposal. It

thought that the emphasis should be placed on prevention and prior consultation. It was also convinced that if delegations continued to show good will they would reach a consensus on the wording of paragraph 1.

7. Mr. SABEL (Israel) said that paragraph 1 was of decisive normative importance and it was absolutely essential to retain it. However, he supported the German proposal to revert to the 1991 wording and to make the provision into an independent rule, which would mean deleting paragraph 2. It did in fact seem appropriate to speak of the settlement of disputes in part II. In paragraph 1 it might perhaps be better to refer simply to "harm", in accordance with the rule de minimis non curat praetor.

8. Mr. NEGA (Ethiopia) said that restoration of the 1991 wording of the draft article would prevent the States which had not yet done so from exploiting their water resources, and that would impair the rights of both upstream and downstream States. Article 5 would then be rendered meaningless. With regard to the harm referred to in article 7, what should not be tolerated was harm resulting from a use which crossed the "equitable and reasonable" threshold.

9. Ms. GAO Yanping (China) said that her delegation attached particular importance to article 7 because China, like Canada, was both an upstream and a downstream State. It thought that the present version of the article established the necessary balance between the rights and obligations of both upstream and downstream States. Although the fruit of 20 years' work, the text was still not entirely satisfactory and differences of opinion persisted. It must be acknowledged that the problem of article 7 could not be settled without a compromise, unless the article was deleted in its entirety. It was in sum better to retain the present wording.

10. Mr. MANNER (Finland) said that his delegation had not proposed the deletion of "significant" because it wanted minimal harm to be taken into consideration; it merely thought that, as the representative of Israel had stressed, there already existed a threshold of tolerance defined by the rules of good-neighbourliness.

11. Ms. BARRETT (United Kingdom) commended the quality of the draft articles submitted by the Commission. With regard to article 7 and its links with article 5, the present version was a rather well-balanced one. The word "significant" was appropriate: it indicated that the article was not addressing only serious harm but also any harm which mattered, while dismissing insignificant harm. The notion of due diligence did not in itself pose any particular problem. It had already been implicit in the Commission's work from the stage of first reading.

12. The difficulty was rather with the relationship between the obligation not to cause harm and the rights and obligations set out in article 5. Above all, it must be clear whether the text was speaking about water in quantitative or in qualitative terms. If quantitative, i.e. matters of the distribution of water resources between the various States concerned, as was the case in most disputes, it was obvious that a balance must be maintained between the respective interests of those States. There could not be an absolute obligation not to cause harm, for that would impair the rights of the upstream States,

whose development efforts might be thwarted by the downstream States. However, the upstream States could not be accorded the right to cause harm by imposing on them only the obligation to enter into consultations after the event. The Canadian proposal to require prior consultations was a wise one.

13. If the text was referring to water in qualitative terms, there was an inconsistency between the principle of equitable and reasonable utilization stated in articles 5 and 7 and the obligation to participate in the protection, preservation and management of the watercourse dealt with in part IV of the draft articles. Her delegation therefore proposed that the end of paragraph 1 of article 5 should read "with a view to attaining optional utilization thereof and advantages therefrom compatible with the requirements of the protection, preservation and management of the watercourse".

14. Mrs. FLORES (Mexico) noted that some delegations had proposed that "significant" should be replaced by appreciable". The latter term was not appropriate because it did not cover harm which was not appreciable but whose cumulative effects might be significant.

15. Mr. PAZARCI (Turkey) drew attention to the fact that the notion of harm sometimes gave rise to partial interpretations. When an upstream State was prevented from developing its economy, did it not suffer harm? It was not acceptable to take into account only material harm and to disregard the legitimate development goals of the upstream States.

16. Mr. MORSHED (Bangladesh) said that the Commission had not succeeded in striking an acceptable balance between articles 5 and 7. Article 7 had prompted some delegations to make a distinction between ordinary harm and "significant" harm to the environment. It was impossible to make such a distinction without altering appreciably the objectives of the framework convention.

17. Furthermore, the United Kingdom delegation seemed to want to differentiate between water quantity and water quality. His country's experience as a downstream State showed that there was a reciprocal physical relation between those two factors and that a drastic reduction in quantity could have disastrous effects on quality. That distinction taken from the 1966 Helsinki Rules on the Uses of the Waters of International Rivers, the so-called Helsinki Rules, was no longer valid and might have damaging consequences for certain countries.

18. "Due diligence" was an obligation of conduct rather than of result, as indeed was the obligation of vigilance, and it was the opposite of the concept of negligence. In the existing precedents, the obligation of vigilance was treated as an objectively measurable and non-subjective rule. In the convention the term "due diligence" did not say enough.

19. Furthermore, he was not entirely satisfied with the relationship between article 5 and article 7. A new legal doctrine concerning minimum outflows, which held that the best means of preventing the destruction of a watercourse was to maintain a certain low water flow rate, had emerged at Stockholm in 1995. Each watercourse State was an equal partner in the exploitation of water resources, and to deny that right would have harmful consequences for the ecosystem, the environment and the watercourse itself.

20. Several delegations had also spoken of the inequality between upstream and downstream States, noting that the latter were not bound by any obligation, especially if they had a coastline. But when Bangladesh, which was in that category, faced water shortages during the dry season, there was virtually no possibility of regenerating water by such means as diversion. And in the rainy season, the country could not protect itself against floods. Thus, the situation of downstream States was not necessarily advantageous.

21. Mr. RAO (India) said that, in his delegation's view, it would be better to adhere to the decision of the International Law Commission, which had replaced the term 'appreciable' with 'significant'. There was no universal definition of the notion of harm, which must be assessed in a certain context, in the light of certain kinds of uses, and under specific circumstances. The threshold that should not be exceeded could not be defined through semantic exercises; it must be established by treaty for each activity. As the United Kingdom delegation had pointed out, while the quantity of water could be measured objectively, its quality could not be assessed according to the same criteria. Lastly, with regard to the obligation to compensate, the context and circumstances of each case would determine what was and was not mutually acceptable.

22. Mr. HARRIS (United States of America) suggested that, as the question of adverse effects was dealt with in part III of the draft articles, the Working Group should defer its consideration of the Canadian proposal until it took up part III.

Article 8

23. Mr. PRANDLER (Hungary) said that he had two reservations concerning article 8. First, in his view, the article should be placed at the beginning of part II (General principles), since article 6, paragraph 2, referred to the 'spirit of cooperation', and it was that general principle of cooperation which constituted the link between the twin principles of 'equitable and reasonable utilization' and the obligation not to cause significant harm.

24. Secondly, the principle of good faith should be added to those of 'sovereign equality, territorial integrity and mutual benefit'. That principle was also mentioned in article 3, paragraph 3, and article 17, paragraph 2, and was implied by article 18, paragraph 2.

25. Mr. VARSO (Slovakia) said that, in his delegation's view, the content of the article was sufficiently clear and did not need to be set forth in greater detail.

26. Mr. de VILLENEUVE (Netherlands) proposed that article 8 should be amended by inserting the phrase "and related ecosystems" following "adequate protection of an international watercourse", as had already been proposed for article 5, paragraph 1. The term "watercourse" probably did not cover all the ecosystems of a watercourse and the ecosystems related thereto.

27. Mrs.ESCARAMEIA (Portugal) proposed that article 8 should be amended to read "Watercourse States shall cooperate on the basis of sovereign equality,

territorial integrity and the mutual benefit of good faith and good-neighbourliness".

28. Mr. AL-ADHAMI (Iraq) said that his delegation supported the preceding proposal.

29. Mrs. FERNÁNDEZ de GURMENDI (Argentina) said that it was necessary to strengthen the general obligation to cooperate laid down in article 8 by simplifying the wording of the article as follows: "Watercourse States shall cooperate in accordance with the principles of international law in order to obtain optimal utilization and adequate protection of an international watercourse".

30. Her delegation was also in favour of including a reference to the principles of good faith and good-neighbourliness, as proposed by the delegation of Portugal.

31. Mr. WELBERTS (Germany) said that his delegation supported the proposals by Hungary, Portugal and the Netherlands.

32. Ms. BARRETT (United Kingdom) noted that part II (General principles) encompassed both the section on shared water and the one on the obligation to prevent pollution. In order for both aspects to be reflected in article 8, the phrase "optimal utilization and adequate protection of an international watercourse" could be replaced by "utilization consistent with the requirements of adequate protection, preservation and development of an international watercourse".

33. Her delegation also supported the Netherlands proposal for the inclusion of a reference to "related ecosystems".

34. Mr. OBEID (Syrian Arab Republic) said that his delegation supported the proposals by Argentina and Portugal, as it was necessary to refer to the principle of good faith in article 8.

35. Mr. ROSENSTOCK (Expert Consultant), replying to the delegations which had expressed the view that the principles of good faith and good-neighbourliness should be mentioned in article 8, said that the International Law Commission had, as explained in its commentary, concluded that a general formulation would be more appropriate, especially in view of the wide diversity of international watercourses and the needs of the States concerned. Noting with interest the view expressed by the Hungarian delegation that what was involved was a drafting question, he said that Article 2, paragraph 2, of the Charter of the United Nations, which embodied the principle of good faith, would, in any event, apply to all aspects of the future convention. As the amendments which had been proposed dealt with questions of form and shades of meaning, they could be worked out in detail by the Drafting Committee.

36. Mr. PULVENIS (Venezuela) said that he had two comments to make. First, he agreed with the Expert Consultant that a general formulation of article 8 would suffice; however, it might perhaps be useful to list some of the more important principles of international law, since international instruments were not

intended only for experts and would also have to be applied by technicians and administrators. His delegation therefore supported the proposals to that effect by Hungary, the Netherlands and Portugal, and was especially interested in the Netherlands proposal concerning ecosystems.

37. Secondly, the Venezuelan delegation supported the United Kingdom proposal concerning the need to clarify the relationship between "optimal utilization" and "protection" of a watercourse. Articles 5 and 8 could be viewed as being in tandem and, barring any amendment to article 5, the terms "optimal utilization" and "adequate protection" should be reiterated in article 8.

38. As to the amendment concerning the incorporation of the notion of "sustainable development", his delegation proposed that the word "sustainable" should be inserted before "optimal utilization", in order to bring the wording of article 7 into line with that of article 5, in the light of the ongoing negotiations.

39. Mr. RAO (India) said that his delegation was unsure of the relevance of the proposed amendments. While no one questioned the notion of the development of watercourses, the concept of an "ecosystem", and such general principles as good faith and good-neighbourly relations, were frequently invoked in the United Nations without anyone knowing exactly what they meant. While his delegation had no objections to the adoption of those amendments, the changes might affect the clarity of the text.

40. Mr. MANNER (Finland) said that his delegation endorsed the proposed amendments, which it deemed relevant, especially the proposal for the inclusion of the notion of "sustainable utilization". His delegation, too, believed that it could only be helpful to refer to certain over-arching principles, as international jurists were not the only ones for whom the final text was intended.

41. Mr. NGUYEN DUY CHIEN (Viet Nam) said that his delegation supported the proposals by Portugal, Hungary, the Netherlands and Venezuela.

42. Mr. PAZARCI (Turkey) said that, in the light of the explanations given by the Expert Consultant and the views of the Indian delegation concerning the need to think carefully about the choice of terms, his delegation believed that it would be better not to change the wording of article 8.

43. Mr. NUSSBAUM (Canada) said that his delegation endorsed the proposals by the Netherlands, Venezuela, Finland and other countries. The Drafting Committee would need to determine the exact wording to be adopted.

44. Mrs. VARGAS de LOSADA (Colombia) said the current wording should be retained.

45. Mr. RUAN Ping (China) recalled, with regard to the amendment concerning "ecosystems", that the International Law Commission had decided long ago that watercourse ecosystems would be dealt with in a special clause. The problem would also arise with regard to article 5. Since there was as yet no precise

definition of the concept, the text might become less comprehensible if it was simply tacked on.

Article 9

46. Mr. MANNER (Finland) said he would like the idea of water quality to be included in the list of important items of information on the condition of the watercourse to be provided by States on a regular basis. He proposed that "or relating to water quality" should be inserted after "ecological nature" in paragraph 1.

47. Mrs. FERNÁNDEZ de GURMENDI (Argentina) said she wished to make two points about paragraphs 1 and 2. First of all, her delegation questioned the use of the term "readily available", as making information readily available was precisely what modern technology made possible. It would be more useful to specify which data belonged to the category of information that was "not readily available".

48. Secondly, to require a State to employ "its best efforts" to provide data or information that was "not readily available" reduced the obligation to a purely hypothetical level: if States were only under an obligation to provide readily available data, that provision was meaningless. Therefore, the term "readily available" should be omitted, and both paragraphs should be redrafted to make it clear that the obligation on States applied to all the information at their disposal.

49. Mr. ROSENSTOCK (Expert Consultant) said the Finnish proposal tended to limit the scope of the article rather than broaden it. The issue of water quality could be considered by the Drafting Committee, but it did not seem necessary to refer to it explicitly in the text.

50. With regard to the comments by the representative of Argentina concerning "readily available data", the Commission explained at length in its commentary, and was perfectly clear on the issue, that States should share the information they had, and that information-rich countries, which were mostly the developed countries, should share their wealth of information with less fortunate countries. A State was required to "employ its best efforts" to comply with the provisions of the article, which meant that countries would comply with that obligation to different degrees, according to the principle of what was reasonable. The Commission urged countries to consider, before tightening up further their requirements for the exchange of information, whether it was really necessary or desirable to impose the same requirements indiscriminately on all States.

51. Mr. de VILLENEUVE (Netherlands) said he understood the point being made by the delegation of Argentina, but shared the opinion of the Expert Consultant. Although there was not actually any need to change the text, his delegation felt that paragraph 2 could not apply to every case, and suggested that that point should be made clear in, for example, articles 12 and 14.

52. Mr. OBEID (Syrian Arab Republic) supported the proposals by the representatives of Finland and Argentina.

53. Mr. LOIBL (Austria) said he wished to stress the close link between articles 9 and 31, and wondered whether the latter should not be incorporated as a new paragraph in article 9, along the lines of article 302 of the United Nations Convention on the Law of the Sea, on the disclosure of information.

54. Mr. PULVENIS (Venezuela) said he supported the Finnish proposal. It was not a question of reducing the scope of the article but of illustrating the kind of information that States should provide.

55. His delegation shared the concerns of the representative of Argentina and supported her proposal. However, the obligation to provide information would have to be weighed against the situation in each country. His delegation hoped that a text could be drafted which brought out those two important points, and looked forward to studying the written proposals which had been promised.

56. Mrs. FLORES (Mexico) addressed first of all the Austrian proposal that article 31 should be inserted in article 9. Her delegation also wished to insert a new paragraph, to the effect that information communicated by a State could, in certain cases, be disseminated only with the agreement of that State, as provided for in article 31 on sensitive information.

57. She then referred to the expression "as well as related forecasts" in paragraph 1, which was difficult to translate because of the ambiguity of the term "previsiones" in Spanish. She suggested that some of the examples quoted by the Commission in paragraph (11) of its commentary should be mentioned in the article.

58. Ms. BARRETT (United Kingdom) said she supported the principles contained in article 9; nevertheless, comments such as those made by the representative of Argentina revealed the ambiguity of the expression "readily available". The explanation given by the Expert Consultant was not completely satisfactory, as it was true that the expression could be interpreted as meaning "available to the public" rather than, as intended by the Commission, "information readily available to the authorities".

59. Furthermore, it would perhaps be necessary to redraft article 31 so as to make sure there were not other types of information, such as industrial or commercial information, which States would be justified in not disclosing. Those provisions quite rightly belonged to part III of the draft, and therefore her delegation was not in favour of combining article 31 with article 9.

60. Mr. CALERO RODRIGUES (Brazil) supported the position of the United Kingdom delegation.

61. Mr. THUITA MWANGI (Kenya) said he shared the reservations of the representative of Argentina with respect to the expression "readily available". He proposed that "readily" should be deleted from paragraph 1 and retained in paragraph 2.

62. Mrs. DASKALOPOULOU-LIVADA (Greece) pointed out that the expression "readily available" had already been used in the Convention on the Protection and Use of

Transboundary Watercourses and International Lakes, and was therefore not a new one.

63. Mr. ROSENSTOCK (Expert Consultant), replying to a question by Mr. HAMDAN (Lebanon) on the appropriate interpretation of the sentence if the word "readily" was omitted, referred him to paragraph (5) of the Commission's commentary. Omission of the adverb "readily" would carry a double risk: States might believe they were entitled to inundate other watercourse States with requests for information or, conversely, they might hide behind the word "available" and refuse to transmit the information requested.

64. Mr. MANNER (Finland) proposed that the expression "reasonably accessible" should be used, since it was used in the Convention on the Protection and Use of Transboundary Watercourses and International Lakes signed in Helsinki in 1992.

65. Mr. MANONGI (United Republic of Tanzania), supported by Mr. AKBAR (Pakistan), said the text should be left as it stood, as it was formulated clearly: it referred to information that was readily available to the authorities.

66. Mrs. FERNÁNDEZ de GURMENDI (Argentina) said that in her earlier statement she had not sought to have a disproportionate obligation laid on States, but to have that obligation defined realistically, which was currently not the case. Nevertheless, she considered the matter to be a simple question of drafting.

Article 10

67. Mr. EL MUFTI (Sudan) pointed out that article 10, paragraph 2, was closely related to draft articles 5 to 7. In the interest of consistency, therefore, he proposed that the same wording should be used throughout. He also proposed that the phrase "in each watercourse State" should be inserted in article 10.

68. Mr. de VILLENEUVE (Netherlands) said he wished to make two proposals. Firstly, it should be made clearer what was meant by "vital human needs" in article 10, paragraph 2, in order to avoid any misunderstandings. Secondly, articles 6 and 10, which dealt with very similar issues, should be merged to form a single article.

69. Mr. CHAR (India) said he supported the first Netherlands proposal and proposed that, the phrase "(in particular, food and drinking water needs)" should be inserted after "vital human needs".

70. Ms. BARRETT (United Kingdom) said she supported the Netherlands amendments. The concept of "vital human needs" could be made more specific by indicating that the term referred to drinking water and water for domestic use (food preparation and sanitation).

71. Mr. SABEL (Israel) suggested that the wording "vital domestic needs for human and livestock consumption" could be used, but said he was willing to leave the redrafting of the article to the Drafting Committee.

72. Mr. CALERO RODRIGUES (Brazil) said he had reservations about the Netherlands proposal to combine articles 6 and 10. Actually, they dealt with two different issues: article 6 was intended to prevent conflicts between watercourse States, while article 10 addressed conflicts that could arise among different uses.

73. Mr. PAZARCI (Turkey) said he agreed with the representative of Brazil. Moreover, he, too, wondered about the meaning of the expression "vital human needs" and requested the opinion of the Expert Consultant.

74. Mr. EPOTE (Cameroon) said article 10 was acceptable in both substance and wording, including the words "vital human needs". The factors relevant to the utilization of a watercourse listed in article 6 defined a rather broad area, since they took into account "the population dependent on the watercourse". Thus, "sociological" needs could be included among "vital human needs". Deleting that clause would penalize certain populations.

75. Mrs. BRODARD (Observer for Switzerland) said she wondered whether it was really necessary to define "vital human needs". Drinking water was certainly among them, but she was unsure about water for domestic uses. As for including livestock consumption among vital needs, modern ecological thinking taught that, from the viewpoint of sustainability, it was better for human beings to consume agricultural products directly rather than using them to feed livestock. It was evident that the concept of vital needs was very sensitive, and the wording of the article should be left unchanged.

76. Ms. GAO Yanping (China) said that the phrase "vital human needs" was fraught with interpretation problems, but was very important. Articles 5 to 7, which developed the principle of equitable and reasonable utilization, were related in a way to article 10: amending the latter article would consequently have an effect on the former activities. She therefore proposed that the definition of "vital human needs" should be included in article 2 (Use of terms) so as to eliminate any ambiguity.

77. Mr. SMEJKAL (Czech Republic) said that he was puzzled by the phrase "in the absence of agreement or custom to the contrary" at the beginning of paragraph 1. In its commentary, the Commission specified that the provision was a residual rule. He wondered whether that meant that the other articles, which did not contain that clause, were peremptory. That would be surprising, since the convention as a whole had only a residual character in international law.

78. Mr. HARRIS (United States of America) said that the phrase in question meant simply that many States, including his own, had already signed agreements whose provisions varied from one watercourse to another with regard to the uses they covered. The Commission had simply sought to sanction an established practice. Paragraph 1 should be retained as drafted.

79. With regard to the question of vital human needs, he referred to paragraph (4) of the commentary, where the Commission had explained what it had in mind. It was evident that the concept was relative: some watercourses were vital to human life and others were not. Giving a precise definition in

article 2, as proposed by the delegation of China, would be useful, if not essential.

80. Mr. AKBAR (Pakistan) observed that article 10, which said that no use enjoyed inherent priority over others, was linked to article 6, which listed the factors to be taken into account in determining whether utilization was equitable and reasonable. In his view, article 10 was sufficiently broad and should be retained as drafted.

81. Mr. NGUYEN DUY CHIEN (Viet Nam) supported that view.

82. Mr. ROSENSTOCK (Expert Consultant), replying to the Czech delegation, said that the words "in the absence of agreement or custom to the contrary" confirmed the residual nature of the convention rather than contradicting it. He also endorsed the views of those delegations which did not want to combine articles 6 and 10.

83. The definition of "vital human needs", should be left to the Drafting Committee. The Chairman of that Committee could provide the necessary explanations when presenting his report.

84. Replying to the representative of Ethiopia, he said that the only purpose of article 10 was to address the question of the relationship between different uses, in other words, the question of priorities. The phrase "in the absence of agreement or custom to the contrary" could thus refer only to treaty texts or practices concerning the priority of uses.

85. Mr. NUSSBAUM (Canada) said that there was a certain ambiguity in article 10. It was clear that the Commission felt that no use of a watercourse should enjoy priority over another, but paragraph 2 specified that "special regard" should be given to "the requirements of vital human needs". That accorded some type of priority to those needs, which should, be strictly defined. If the concept of "sustainability", which was becoming deeply entrenched in environmental law, was added to that structure, the "vital human needs" of future generations could also be invoked, which opened the door to new difficulties. For those reasons, his delegation believed that article 10 should remain unchanged.

86. The CHAIRMAN said that the Working Group had completed its consideration of cluster II.

87. Ms. WONG (New Zealand), commenting on the draft convention as a whole, said she welcomed the general trend in favour of embodying the principle of sustainability in the new instrument. Contemporary thought was very sensitive to ecological considerations, as demonstrated by principle 22 of the Stockholm Declaration, principle 11 of the Rio Declaration - which prohibited States from causing damage to the environment - and the other recent conventions relating to the environment.

88. In general, therefore, New Zealand favoured incorporating the concepts of "ecosystems" and "sustainable development" in the convention, as several delegations had proposed.

89. The CHAIRMAN summarized the various positions, proposals and interpretations put forward and the numerous amendments suggested during the consideration of cluster II, which had just been completed.

90. He reviewed the main points of the debate for the benefit of the Drafting Committee and listed the amendments on which it should focus its work.

91. Mr. SABEL (Israel) and Mr. LALLIOT (France), supplemented the Chairman's review by drawing attention, respectively, to the amendments the representative of Israel had proposed and to the reservations made concerning the first articles pending the availability of the text as a whole.

92. Mr. PAZARCI (Turkey) and Mr. NEGA (Ethiopia) said they feared that the Working Group was proceeding too quickly. They requested that all the amendments proposed since the consideration of article 1 should be made available in writing.

The meeting rose at 6.05 p.m.